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April 24, 2012

SENATE NATURAL RESOURCES, ENVIRONMENT
AND GREAT LAKES COMMITTEE
PO Box 30036
Lansing, MI 48909

Re: Beach Grooming Bill, SB 1052

Committee Members:

Our home is situated on Lake Michigan about 3 miles South of the Delta County Airport. I am about 1 mile North of the mouth of the Ford River. We built this home in 1981 but my experience on this part of the beach dates back to 1943. My dad was in the Navy and there were no rentals in Escanaba. My mother rented a small cottage in a resort which today is still known as Brotherton's Cottages. I was two at the time but even then enjoyed the beach immensely. When my dad returned from the Navy we acquired a home in Escanaba. Each summer we would take a week or two at Brotherton's Cottages and did that during the 1940's, 50's and 60's. In those days, Brotherton's had 800 feet of sandy frontage. When the resort business deteriorated, I purchased part of Brotherton's cottages frontage.

This was a beautiful sand beach. We would frequently walk from the mouth of the Ford River to the area known to the Walleye fishermen as Breezy Point. We had friends with beach front property at the intersection of Lake Michigan, the South line of Delta County and the North line of Menominee County. Walking that beach (about 15 miles South of mine) was a great past time for my parents, their five kids and our friends.

During all of those years there was never - never - a problem with weeds. We would take a leaf rake and clean up small piles of bark, sticks, etc. Any logs were cut up for beach fires. It was an easy task. In the years around 1987, we had very high water. For some people that resulted in the sand beach creeping closer to their dwellings. That gave them a little bigger beach to care for.

With the advent of low water, everything changed. Instead of having 50 feet of beach between my break wall and the water, I had 150 feet. What I did by hand in the past became more difficult. We still didn't have weeds but we did have sand berms. At the age of 50, I still enjoyed shoveling that sand back. At the age of 60 it was less of a treat and many of us hired a contractor to level our beach. What Mother Nature pushed up during the windy months of April and May, we pushed back toward the water in June. By that time, instead of just bark and sticks, our beaches were cluttered with a variety of things foreign to our beach: life jackets, dead animals (a pregnant doe 2 years ago); outboard motor gas cans, etc. Junk. And we also had something new: after a winter with high snowfall, the ice breakup at the Ford River would wash bark and muck from the banks of the River. Perhaps that always happened but with higher water, it got washed to sea. With the low water, the current pushed that muck, decomposing leaves and bark from the mouth of the Ford River to the beaches near the mouth. The wave action would push that muck 50 feet up from the water's edge. A specific example of the problem that created was this: Our local Rotary organization maintains a camp for handicapped children. It is situated about a half mile from the mouth of the Ford River. At this

camp, they taught children arts, crafts and swimming; the children learned self confidence. In the spring of 2009 (maybe a year or two earlier), the beach became unusable. The kids couldn't get through the muck to reach the water. A contractor removed the muck and came under considerable criticism from the DEQ for hauling the muck away.

That in turn led the contractor to be concerned about what he could do on our beaches. Following that problem, the local soil conservation district (the permitting agency at that time) scheduled an informational meeting on my beach. It was attended by 75 beach front home owners from Delta and Menominee County. I hosted it but Rory Mattson organized it. Mr. Casperson (an interested party but not a Senator at that time) attended as did Ms. Battle and Mr. Gustafson from the DEQ. They briefly explained their jobs, their understanding of the law and then took an hour for questions. The meeting was excellent but all of us left there not being sure of what we could do on our beaches.

This past summer another meeting took place on my beach. The purpose was similar but this year I hired a local survey or establish the Statutory High Water Mark. The surveyors did the preliminary work before hand but established the zigzagged line which constituted the Statutory High Water Mark for that day. The rule at that time (and today) is that one permitting agency issued the permit for property upland of that line and another agency issued the permit for the property between that line and the water's edge. From all appearances, there was no difference in the quality of the beach on either side of that line. The entertaining thing about that line is that it changed the next day when a Southwest wind blew several inches of sand onto my beach. My break wall runs parallel with the water's edge. The statutory high water mark varied between 12 feet and 36 feet from the line determined by the surveyor. It was a series of connected jagged lines.

All of the people that attended those two meetings had common goals: they didn't want to get arrested for violating a rule that no one understands. They wanted to maintain their beaches in the same condition that existed 50 and more years ago. They want to be able to assure a contractor that he won't get in trouble as long as stays out of the water and removes as little sand as possible when he scoops up a dead deer, a pile of brush, a tree stump, etc.

Dealing with two agencies defies logic. The Statutory High Water Marks moves on a daily basis. The items to be leveled or removed on the upland side of that zigzag line are identical to those on the water side of the line. For the agencies to know where their jurisdiction lies on any given day would require that they bring a surveyor with them for their inspection.

Simply stated, all people want to do is push back the sand that blows up and to remove the junk that washes up. All we are doing is maintaining our yard which in our case includes cleaning our beach.

I should also note that many of the people who attended the meeting live on Portage Point. Their issues are considerably different than mine in that the weeds and invasive species have, since the advent of low water, grown to a height where they can no longer see the water. They have a forest of weeds and phragmites in place of the beautiful sand beach that previously existed. They purchased a beach and waterfront property and their inability to remove the weeds has taken that away from them. Their land values and consequently the property tax

revenues have plummeted. There has to be a solution for them as well.

Sincerely,

Michael B. Quinn/has
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MBQ/has

6503 ltr to Senate Natural Resources/HAS/Apr-12

cc: Ms. Kendra Everett

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